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SUBJECT: MEDIA REACTION TO PROPOSED HAAC LAW

REF: LOME 412

¶1. On November 10, Post's PAO and Information Assistant met with representatives of Togo's four press unions, the Independent Union of Togolese Journalists (UJIT), the Togolese Media Observatory (OTM), the National Council of Press Leaders (CONAPP), and Journalists for Human Rights (JDHO-Togo). The group discussed a proposed law granting the High Authority of Audiovisual Communications (HAAC) broad powers over the press (REFTEL). The journalists observed that the new measure violates Article 26 of the Togolese Constitution and diverges from Togo's Press Code. The unions have hired an attorney and are prepared to file a claim in Togo's constitutional court. They concluded the meeting by describing ongoing efforts to encourage the Government of Togo (GoT) to repeal the law and next steps toward promoting press freedom in Togo.

Background

¶2. In late October, Togo's National Assembly passed legislation granting the HAAC broad powers to restrict the media. Togolese President, Faure Gnassingbe, has yet to sign the legislation and earlier this week he returned the measure to the National Assembly for review by a joint commission. The commission includes the same group responsible for drafting the October 2009 HAAC law, which consists of ruling and opposition party members.

Media Reaction

¶3. On November 9, union representatives met directly with Minister of State and spokesperson of the GoT Pascal Bodjona encouraging the GoT to retract the HAAC legislation. The meeting did not result in the GoT changing its position and no concessions were made on either side.

¶4. On November 10, the unions led a strike which they referred to as "A Day Without Media". The purpose of the strike was to raise public awareness about the new proposed press restrictions. Private print, radio and television media outlets participated in the effort. Three private television stations including one owned by Minister of State Badjona (LCF) and two by former Minister of Communications Pitang Tchalla (TV2 and TLS) did not participate in the strike. Government broadcasters and print media, including the RepublicofTogo.com, did not interrupt service.

¶5. The National Assembly joint commission has agreed to meet with press union leaders on November 16. Union leaders will seek repeal of the new legislation. However, commission members are likely to only discuss amending four articles of the new law dealing with financial penalties, suspensions and public hearings of journalists by the HAAC.

¶6. The commission is expected to make its decision immediately following the meeting. After a 15-day waiting period, the edited text will be put before the full Assembly for a vote. It is

unlikely that the commission will make any substantive changes to the law and even less likely that they will repeal it. If the measure passes the Assembly, there are no clear indications as to whether or not President Gnassingbe will sign the amended legislation.

Next Steps

¶7. The unions are seeking support from various international human rights organizations. Reporters Without Borders, for example issued a November 7 statement condemning the proposed restrictions to press freedom in Togo.

¶8. According to the union representatives, if the legislation is passed and signed by the President, journalists will disregard the law and solely recognize Togo's press code and constitution. They have hired an attorney to assist them in legally challenging the constitutionality of the HAAC law in court.

¶9. The unions are eager for a statement from the U.S. Embassy underscoring press freedom in Togo. They believe that the USG influenced the GoT's decision to repeal an April 2009 directive authorizing the HAAC to cancel call-in radio and television talk shows following the arrest of Kpatcha Gnassingbe.

¶10. According to the union leaders, Togo's 2007 legislative elections were the first time that the private press legally covered elections in Togo and the new legislation is a significant step backwards. Despite their failed November 9 negotiation session with GoT leaders and the dim likelihood that the National Assembly will repeal the law, the group remains resolute in their efforts. Post will continue to monitor the situation closely.

HAWKINS